O July 0 3 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

AND

n re Patent Application of:

Appeal No:

Friedrich MUELLER et al.

Examiner:

Skyes, A.

Confirmation No.

3734

Serial No. **09/971,031**

Art Unit:

3762

Filed:

October 5, 2001

EXTRACORPOREAL BLOOD TREATMENT SYSTEM

January 3, 2005

U.S. Patent and Trademark Office 2011 South Clark Place Customer Window, <u>Mail Stop Appeal Brief-Patents</u> Crystal Plaza Two, Lobby, Room 1B03 Arlington, VA 22202

REQUEST FOR ORAL HEARING BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Sir:

Applicant hereby requests an Oral Hearing before the Board of Patent Appeals and Interferences in the appeal of the above-identified application.

Attached hereto is the fee required for a large entity for requesting an Oral Hearing in the amount \$1000.00. If this fee is an overpayment or insufficient, please charge or credit the account of the undersigned, i.e., Account No. 50-1716. A duplicate copy is attached.

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Respectfully submitted,

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a nearly correct view was set forth by Rait and many years ago by Cosmo Innes. Then comes the process by which Parliament threw off its bondage to the Articles, and rose "to a reasonable level of procedure with the English Parliament". There is slight contribution, to be sure, on the two constitutional revolutions. Gardiner, for example, explains the essential facts of 1640, and those of 1689–1690 are well known. What Professor Terry does show is that Parliament made a great advance in procedure in 1640 and the years immediately following and held much of that gain between 1660 and 1689. The evidence for all this is scattered through several chapters, and some minor positions (for example, see the first half of page 146) appear mistaken. Also the more independent procedure of Parliament is not reconciled with its political docility. This illustrates a general limitation of the book—too few explanatory references to political history. Nevertheless, the general contribution of the later chapters is of highly substantial value.

The book ends with a patriotic lament. "Pathetic in other aspects, the Union is tragic in this, that it forever closed the career of Parliament at the moment when, after long preparation, it was ready and able to play a fitting part in the nation's history." All of which is, no doubt, affecting; still it seems possible that Professor Terry and those who share his regret might forget their tears by contemplating the present supremacy of Scotsmen in the British Empire.

JOSEPH PARKER WARREN.

Histoire de France depuis les Origines jusqu'à la Révolution. (Publiée sous la direction de M. Ernest Lavisse.) Louis XIV.: La Fronde, Le Roi, Colbert (1643–1685). Par E. Lavisse. (Paris: Hachette et Cie. 1906. Pp. 404.)

As the supplementary title implies, this volume has to deal with the institutional history of France during the period of Louis XIV.'s reign, prior to the revocation of the Edict of Nantes. The following is an analysis by chapters. "Livre I., la Période Mazarine: Avant la Fronde, La Fronde, Après la Fronde; Livre II., l'Installation du Roi: Le Roi, le Premier Ministère, L'État en 1661, L'Offre de Colbert; Livre III., le Gouvernement économique: Finances, Travail, Grand Commerce et Colonies; Livre IV., le Gouvernement politique: Réduction à l'Obéissance, Lois, Justice et Police; Livre V., le Gouvernement de la société: Artisans et Paysans, l'Ordre des Officiers; Noblesse, Clergé."

The fact that this volume is from the pen of the editor-in-chief and projector of the series of which it is a part gives it great interest. The historical world has known that M. Lavisse has been devoting his time for some years past to the reign of Louis XIV. Intimations of this have been conveyed to the public through the medium of essays from his pen bearing upon this period, which have appeared in various reviews from time to time, and M. Lavisse has lectured upon it at the Sorbonne.

The difficulty attending the writing of a history of the reign of Louis XIV. is very great. The magnitude of the politics of that time, the long length of the reign and the vast mass of material to be consulted, are three considerations. But independent of these circumstances, which laborious study may overcome, there is an added difficulty. For, in spite of the enormous mass of literature upon the subject, there is a paucity of essential material for an adequate study of it. At first blush, this statement may seem an exaggeration. Nevertheless it is true. We know much more of the history of the French Revolution or the Napoleonic era-though there are great gaps here-than we know or can know, for a long time to come, of the period of Louis XIV. Thanks to M. Clement's monumental publication of the correspondence of Colbert, supplemented by the work of other scholars, like Depping and Boislisle, the administrative history of Louis XIV. in its larger aspects is known, although M. Lavisse says, "It is impossible to actually give a precise idea of the transformations which have taken place in the government [of France] since the sixteenth century. They are complicated and confused; they have been made by measures of detail which have not been codified." He adds with a tinge of regret: " This chapter can give nothing but an appreciation of what the government was in general appearance."

We know much about the character of cultivated and court society in France during the reign of the Grand Monarque; but on the other hand, we know more of the structure of medieval society, of Roman society, of ancient Egyptian society, than of lower and middle-class society in France in the seventeenth century (p. 323, note).

When we turn to the history of the foreign politics of Louis XIV.'s reign, there is a much greater amount of published material. Yet even here, except in the case of the Recueil des Instructions aux Ambassadeurs, the investigator has to be guided largely by authorities instead of sources. He may consult Mignet and Legrelle for Spanish affairs; Lefebvre-Pontalis and Lonchay for the Netherlands, Auerbach for Germany, Goedecke for Austria; Reuss for Alsace; Carutti for Savoy; the recent books of MM. Waddington and Pagès upon the Great Elector, and M. Camille Rousset's Louvois, and Klopp's Fall des Hauses Stuart, a monumental political history of Europe from 1660 to 1714 in fourteen volumes, throughout. But the direct correspondence of Louis XIV.'s diplomatic agents,-Barillon, Lyonne, Colbert de Croissy, Vrillière, Château-Neuf, Louis de Crecy, Harlay Bonneüil, Callières and others, still lies unpublished in the Archives des Affaires Étrangères. Prussia is ahead of France in this particular in having the Actenstücke zur Geschichte des Kurfürsten Friedrich Wilhelm von Brandenburg (Berlin, 1864—), which Professor Philippson used to such advantage. Ranke and Fox made large use of Barillon's correspondence and printed selections from it, but the body of it is yet unpublished.

It is on the side of English affairs, however, that there is the greatest

void. English scholars have done nothing in years upon the relations of their country to Louis XIV.

Few of the English foreign state papers have yet seen the light, and many have not even been examined in their manuscript form by historians. In the Calendar of State Papers, only the Venetian Archives have been explored beyond the year 1600. Ranke made considerable use of the English foreign state papers in writing his History of England, principally in the Seventeenth Century, and the same may be said of Lingard; but the volume of these papers in the Record Office is so great that, under the present circumstances, it is impossible for any student, however diligent, to penetrate the mass of them. Few of them have been printed. There are private editions of the Lexington papers and Grimblot in 1848 published the Letters of William III. and Louis XIV. in two volumes. The Camden Society in 1859 published the Savile Correspondence, which throws valuable light upon the history of the revocation of the Edict of Nantes; in 1874 it published Letters to Sir Joseph Williamson, two vols., and Mr. Curran has lately edited the Despatches of an English Agent in Paris in the Reign of Louis XIV. for the Royal Historical Society. May one not now hope that balance may be given the Calendars of State Papers by resuming the longarrested publication of those pertaining to foreign affairs, which have yet advanced no farther than 1580, while the Domestic Calendar is well down through the seventeenth century?

In the main, the history of the relations of England and France in the seventeenth century is as yet imperfectly known. The Historical Manuscripts Commission has helped somewhat by printing summaries of certain correspondence, as in the case of the two Montagues, Ralph and Charles, dukes of Manchester, each of whom was an ambassador in Paris during the reign of Louis XIV. (1669, 1676, 1699; see Hist. MSS. Comm., I. 193; IV. 245; VI. 316; VII. 207, 418; VIII. 35, 47; X. Part V., 130). The same is true of Vernon, secretary of state in 1698-1699. But the Egerton MSS, and the B.M. Additional MSS, abound in unpublished letters of his. We sorely need a life of the earl of Sunderland; some of his letters are in the Shrewsbury correspondence; others have been published by Groen van Prinsterer, Archives de la Maison d'Orange-Nassau, n. s., vol. V.; and by Harris, Life of William III. But there are unpublished letters of Sunderland in B.M. Additional MSS. 28,094, 25,079, 25,082, 25,569. The Skelton papers too ought to be published. Skelton was English ambassador at Vienna and Venice, and warned James II. of William of Orange's designs upon England, being hand in glove with Barillon, Louis XIV.'s ambassador in London. There is a mass of his papers in both the Harleian MSS. and the B.M. Additional MSS. The history of the reign of Louis XIV. needs many more such works as Mignet's mighty compilation of documents upon the Spanish succession.

In the light of all these facts, it may be appreciated how great a

task M. Lavisse has undertaken. That it is admirably done goes without saying. Certainly no other person in France except perhaps M. Émile Bourgeois, the brilliant editor of Voltaire's Siècle de Louis XIV. and of Spanheim's Relation, could have done so well. The author has chosen to devote the first volume to a study of the institutions of the reign, reserving political history for the one to follow. This method preserves the unity of the theme and is in harmony with the practice of the preceding volumes. But there are disadvantages in so doing in the present case. Europe was not only intensely interested in the internal affairs of France at this epoch (as M. Lavisse says, on p. 357), but the external politics of France profoundly affected the ways of things within. This is notably true in the case of the relation of the clergy to the king, during the war with Holland; Colbert's commercial policy at home, and independent of his protective tariffs, reacted upon Holland and Venice. In the present volume we see these things in half-face only.

JAMES WESTFALL THOMPSON.

Les Deux Frances et leurs Origines Historiques. Par Paul Seippel. (Lausanne: Payot; and Paris: Alcan. 1905. Pp. xxxvi, 409.)

I RECOMMENDED this book lately to an American friend who was in search of French reading at the same time serious and attractive. He followed my advice and wrote expressly to say that he had seldom found so exactly what he desired.

In a few months the work,—the conclusion of which is dated: Zürich, June, 1905,—has made its way through the mass of contemporary publications and one can say, without exaggerating, that it is one of the events of the French literary year. The best proof is that, being from a Swiss pen and not written in Paris, it had nevertheless the honor of a special article in the Revue des Deux Mondes.

Professor Seippel's study was suggested by the Dreyfus affair, but it does not belong to the literature of that eventful case. It is a clear-sighted, impressively written chapter of the psychological history of nations, or as Germans would say, "Völkerpsychologie". The two Frances in question are "la France noire et la France rouge", the France of the Kings and the Church and the France of the Revolution. The author shows with striking evidence how these irreducible adversaries are daughters of the same mother, how the mentality of both is at the bottom Roman and how they fought their fiery battles, from the times of the Renaissance and the Reformation down to the Revolution and the nine-teenth century, with exactly the same swords.

"Following the example of the American states, France draws up a "Declaration of Rights'. It is intended for all nations and for all times. As in the Crusades, France feels a divine mission, the mission of converting the world to her new ideals. Thus liberty, which in